



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,562	12/19/2001	Henry Dexter Chadwick	SVL920010004US1	1023
47069	7590	02/24/2006	EXAMINER	
KONRAD RAYNES & VICTOR, LLP ATTN: IBM54 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212			LE, UYEN T	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/027,562	CHADWICK, HENRY DEXTER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Uyen T. Le	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3,9-14,17,19,25-30,33,35,41-46 and 49-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,9-14,17,19,25-30,33,35,41-46 and 49-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 December 2005 has been entered.

### ***Response to Amendment***

2. Applicant's amendments to claims 3, 11, 19, 27, 35, 43, 51 are acknowledged. Consequently rejection of claims 3, 11-14, 19, 27-30, 35, 51 under 35 U.S.C. 112, second paragraph is withdrawn.

3. Applicant's explanations regarding claims 50, 52, 54 are persuasive. Consequently, rejection of claims 50, 52, 54 under 35 U.S.C. 112, second paragraph is withdrawn.

4. Applicant's explanations regarding the drawings are persuasive. Consequently, objection to the drawings is withdrawn.

5. Applicant's arguments regarding McGrath et al have been fully considered but they are not persuasive.

Applicant argues that nowhere does McGrath teach or suggest determining whether a metadata object includes a label or attribute of a label and then adding a tagged element to a metadata file for the label or adding a tagged attribute if the metadata object includes one attribute for one label.

In response, the examiner disagrees. Figure 3 of McGrath for example clearly shows tagged elements of person, place, topic and tagged attributes of Bill Clinton, Nelson Mandela, London, global warming of metadata objects. The claimed determination has to be present for the method of McGrath to appropriately add a tagged element or tagged attribute as shown in Figure 3.

Applicant argues that nowhere does McGrath teach extracting both the essence and metadata objects and then forming a metadata file for the metadata objects as claimed.

In response, the essence is clearly extracted from the file in McGrath since it is stored separate from metadata (see Figure 2). Note that “extracting metadata from each metadata object” has been deleted from the claim language. Furthermore, McGrath clearly teaches extracting metadata from each metadata object in Figure 3.

Applicant argues “the XML file in McGrath (paragraph 0048) has metadata for multiple video clips. This teaches away from the claim requirement of one separate metadata file having tagged elements and attributes for each received multimedia file with an essence because McGrath has information on multiple video clips satisfying the search request in one XML file, not metadata for one essence in one metadata file”.

In response, the XML file at paragraph 0048 describes where the requested video information might be located, not the metadata file describing the content of each video material. The examiner maintains that one metadata file has to be present for each multimedia file with an essence since the essence is associated with a unique material ID.

Applicant argues that the examiner has not cited any particular section of McGrath in rejecting claims 11, 27, 43.

In response, claims 11, 27, 43 were also rejected under U.S.C. 112, 2<sup>nd</sup> paragraph because of their indefiniteness. The rejection was based on the claims as best understood by the examiner. Amended claims 11, 27, 43 merely read on the fact that the requested video including metadata objects is presented to the requester as a result of the search request of McGrath (see Figures 2, 3).

Applicant argues that the examiner has not cited any particular section of McGrath in rejecting claims 12, 13, 14.

In response, claims 12-14 merely recite steps for reconstructing metadata objects obvious to one of ordinary skill in the art.

Applicant presents no further arguments. For all the reasons discussed above, rejection to claims 1, 3, 9, 10-14, 17, 19, 25-30, 33, 35, 41-46, 49-54 using McGrath is maintained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2163

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 9-14, 17, 19, 25-30, 33, 35, 41-46, 49- 54 are rejected under 35

U.S.C. 103(a) as being unpatentable over McGrath et al (US 2002/0116392) of record.

Claim 1 merely reads on the method of McGrath building metadata files from metadata objects using XML (see Figures 1-4). The method clearly receives multimedia file including essence (see 0035, video material), metadata objects providing information on the essence (see 0050), and a unique identifier assigned to the essence (see the abstract, UMID). The essence is clearly extracted from the file since it is stored separate from metadata (see Figure 2). The claimed steps (i), (ii) and (iii) are met when McGrath shows how the metadata objects are used in creating the information to be stored in the metadata database (see 0049-0050). McGrath further shows metadata object including label and attribute of a label at page 3, right column. Although the method of McGrath seems to store the essence and the metadata file in different data stores, where to store the essence and metadata does not in any way affect how the metadata file is generated from the metadata objects. Furthermore, since users requirements vary, it would have been obvious to one of ordinary skill in the art to include storing both essence and metadata file in a data store as claimed in order to accommodate users requirements.

Regarding claim 3, since the UMID is unique, clearly one separate metadata file has to be generated for each received multimedia file as claimed.

Regarding claim 9, McGrath discloses the essence data of multimedia (see the abstract).

Regarding claim 10, McGrath teaches implementing UMID in KLV (see 0037). Furthermore, the video shown in McGrath is clearly for media exchange (see Figure 2). Therefore, it would have been obvious to one of ordinary skill in the art to include multimedia files conforming to Media Exchange Format and implementing KLV coding scheme for the metadata objects in the multimedia files in order to benefit from standardized techniques.

Regarding claim 11, McGrath discloses receiving a unique identifier (UMID), accessing the essence and metadata file associated with the unique identifier, generating one reconstructed metadata object for each tagged element and attribute in the metadata file and assembling a reconstructed multimedia file including the reconstructed metadata objects, the accessed essence and the received unique identifier when McGrath shows processing users request for desired video material and accessing video material on the basis of a URL and UMID (see the abstract, Figures 2-4). Since the metadata file includes tagged elements and attributes from metadata objects, clearly the reconstructed multimedia file has to be assembled as claimed.

Regarding claim 12, since the metadata file consists of tagged elements and attributes, clearly reconstructing metadata objects requires accessing the metadata from one tagged element or attribute in the metadata file and storing the accessed metadata in the reconstructed metadata object for the tagged element or attribute as claimed.

Claims 13, 14 merely recite operations indispensable in the reconstruction of the metadata objects of McGrath. Since each metadata object is associated with a label and an attribute of a label, it would have been obvious to one of ordinary skill in the art to include providing a mapping for relating labels and attributes in order to correctly reconstruct metadata objects.

Regarding claim 49, McGrath discloses metadata objects including a universal label (see 0038).

Regarding claim 50, the claimed "processing the metadata dictionary...for one tagged element" has to be present for the method of McGrath to recognize a label or attribute of a label as shown in Figure 3.

Claims 17, 19, 25-30, 51, 52, 33, 35, 41-46, 53, 54 correspond respectively to a system and computer program product for performing the method of claims 1, 3, 9-14, 49, 50, thus are rejected for the same reasons discussed in claims 1, 3, 9-14, 49, 50 above.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Musick et al, "Report on the Second IEEE Metadata Conference (Metadata '97)", ACM SIGMOD Record, Volume 27, Issue 1, March 1998, 5 pages.

Baldonado et al, "Metadata for Digital Libraries: Architecture and Design Rationale", ACM 1997, pages 47-56.



Art Unit: 2163

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 571-272-4021. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

20 February 2006

  
**UYEN LE**  
**PRIMARY EXAMINER**